

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

LOUISE BAYLISS, *et al.*

Case No. 1:16-cv-594

Plaintiffs,
vs.

Judge Susan J. Dlott

WEST CHESTER HOSPITAL, LLC, *et al.*

Defendants.

ORDER OF REMAND

On February 13, 2016, in consolidated Case No. 1:16-cv-004, this Court entered an order remanding to state court 227 civil actions alleging medical malpractice by Abubakar Atiq Durrani, M.D., which state cases had been removed to this Court. The Court found that the state civil actions did not comprise a mass action as defined in the Class Action Fairness Act (“CAFA”), 28 U.S.C. § 1332(d)(11). Defendants appealed the order of remand to the Court of Appeals for the Sixth Circuit. The Court of Appeals denied that appeal and subsequently issued their mandate in that case. *See Daniel et al. v. Ascira Partners, LLC et al.*, Sixth Circuit Case No. 16-3549, Docs. 38, 52.

The present case was removed by Defendants under the same mass action theory presented in consolidated Case No. 1:16-cv-004. Because that theory of removal has already been held to be improper by the Court of Appeals for the Sixth Circuit, remand is appropriate in this case. Accordingly, (1) This case is **REMANDED** to the state court from which it was removed; (2) the Clerk shall enter Judgment accordingly; and (3) this case is **TERMINATED** from the docket of this Court.

IT IS SO ORDERED.

Date: 10/3/16

s/Timothy S. Black

Timothy S. Black

United States District Judge